

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: ) Before the Examiner  
Steven N. Roe ) ) Unassigned  
Serial No. New UTILITY Application ) Group Art Unit  
Filed December 16, 2003 ) ) Unassigned  
FLEXIBLE TEST STRIP ) Our Ref. 7404-548  
LANCET DEVICE ) ) December 16, 2003  
                    ) )

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (EL 983135056 US) in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

December 16, 2003

(Date of Deposit)  
Cheryl Kalugyer

Name of Representative  
*Cheryl Kalugyer*  
Signature  
December 16, 2003  
Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 and/or the additional information identified below in paragraph 3. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

[ ] a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. \_\_\_\_\_ and/or

a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a.  This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

**and thus no certification and/or fee is required.**

1b. [ ] This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

- (1) [ ] the certification of paragraph 2 below is provided, **or**
- (2) [ ] a fee of **\$180.00** (set forth in 37 CFR §1.17(p)) is enclosed.

1c. [ ] This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**a fee of \$\_\_\_\_\_ (set forth in 37 CFR §1.17(p)) is enclosed.**

2. It is hereby certified

- a. [ ] that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or
- b. [ ] that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.
- c. [ ] A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

3. [ ] A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.

4. [ ] Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

- a. [ ] an English language translation submitted herewith,
- b. [ ] a foreign patent office search report (in the English language) submitted herewith,
- c. [ ] an English language translation of a foreign patent office search report submitted herewith,
- d. [ ] the concise explanation contained in the specification of the present application at page^s \_\_\_\_\_,
- e. [ ] the concise explanation set forth in the attached English language abstract,
- f. [ ] a copy of a related patent publication (in the English language) submitted herewith,
- g. [ ] the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b). It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully Submitted,



Charles P. Schmal, Reg. No. 45,082  
Woodard, Emhardt, Moriarty, McNett &  
Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	ROE
				Group Art Unit	
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	7404-548

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		3,626,929	12-14-1971	Sanz et al.	
		3,802,842	04-09-1974	Lange et al.	
		4,061,468	12-06-1977	Lange et al.	
		4,360,016	11-23-1982	Sarrine	
		4,490,465	12-25-1984	Limbach et al.	
		4,627,445	12-09-1986	Garcia et al.	
		4,648,408	03-10-1987	Hutcheson et al.	
		4,653,511	03-31-1987	Goch	
		4,873,993	10-17-1989	Meserol et al.	
		4,883,068	11-28-1989	Dechow	
		4,920,977	05-01-1990	Haynes	
		4,924,879	05-15-1990	O'Brien	
		5,776,719	07-07-1998	Douglas et al.	
		5,824,491	10-20-1998	Priest et al.	
		5,857,983	01-12-1999	Douglas et al.	
		5,868,772	02-09-1999	LeVaughn et al.	
		5,879,311	03-09-1999	Duchon et al.	
		5,951,492	09-14-1999	Douglas et al.	
		5,951,493	09-14-1999	Douglas et al.	
		5,962,215	10-05-1999	Douglas et al.	
		5,964,718	10-12-1999	Duchon et al.	
		6,048,352	04-11-2000	Douglas et al.	

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>				Complete if Known		
				Application Number		
				Filing Date		
				First Named Inventor		ROE
				Group Art Unit		
				Examiner Name		
Sheet	2	of	3	Attorney Docket Number	7404-548	
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. 1	Document Number	Publication Date	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
		Number-Kind Code <sup>2</sup> (if known)	MM-DD-YYYY			
		6,071,250	06-06-2000	Douglas et al.		
		6,071,294	06-06-2000	Simons et al.		
		6,086,545	07-11-2000	Roe et al.		
		6,099,484	08-08-2000	Douglas et al.		
		6,183,489	B1	02-06-2001	Douglas et al.	
		6,319,210	B1	11-20-2001	Douglas et al.	
		6,332,871	B1	12-25-2001	Douglas et al.	
		Re 35,803		05-19-1998	Lange et al.	

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO				Complete if Known		
				Application Number		
				Filing Date		
				First Named Inventor	ROE	
				Group Art Unit		
				Examiner Name		
Sheet	3	of	3	Attorney Docket Number	7404-548	
<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite 1 No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code- Number-Kind Code (if known)				
		EP 0 164 148	12-11-1985			<input type="checkbox"/>
		EP 0 894 471	02-03-1999			<input type="checkbox"/>
		WO 02/056751 A2	07-25-2002	Perez et al.		<input type="checkbox"/>
		WO 93/09710	05-27-1993			<input type="checkbox"/>
		WO 97/08986 A1	03-13-1997			<input type="checkbox"/>
		WO 98/15810	04-16-1998			<input type="checkbox"/>

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.